

DEPARTMENT OF FOOD AND AGRICULTURE  
PROPOSED CHANGES IN THE REGULATIONS  
Title 3, California Code of Regulations  
Section 3424, *Bactrocera zonata* Interior Quarantine

INITIAL STATEMENT OF REASONS/  
POLICY STATEMENT OVERVIEW

Description of the Public Problem, Administrative Requirement, or Other Condition or Circumstance the Regulation is Intended to Address

These regulations are intended to address the obligation of the Secretary of Food and Agriculture to protect the agricultural industry of California from the movement and spread within California of injurious plant pests.

Specific Purpose and Factual Basis

The specific purpose of Section 3424 is to provide for the State to regulate the movement and possible carriers of *Bactrocera zonata*, the peach fruit fly, from the area under quarantine to prevent the artificial spread of the fly to noninfested areas to protect California's agricultural industry.

The factual basis for the determination by the Department that the emergency amendment of Section 3424 is necessary is as follows:

Existing Section 3424 established an interior quarantine against peach fruit fly, provided that portions (approximately 106 square miles) of Fresno and Madera counties (surrounding the Fresno area) are under quarantine for peach fruit fly, set forth the hosts, restricts the movement of hosts and possible carriers of peach fruit fly from the area under quarantine and provided for special permits to allow movement of articles and commodities otherwise prohibited.

Peach fruit fly, *Bactrocera zonata*, is an insect pest which attacks the fruit of various plants including apple, peach, pear, tomato and citrus. The female punctures host fruit to lay eggs

which develop into larvae. The punctures admit decay organisms that may cause tissue breakdown. Larval feeding causes breakdown of fruit tissue. Fruits with egg punctures and larval feeding are generally unfit for human consumption. Pupae may be found in fruit, but normally are found in soil.

Section 3424(b) was initially adopted on May 23, 2006. Peach fruit fly was detected in the Fresno area of Fresno and Madera counties and as a result, the interior quarantine was established on an emergency basis. Since then, the male annihilation technique was used against the peach fruit fly for two life cycles and a subsequent intensive survey for adults was conducted for an additional life cycle without any additional finds of the fly. Therefore, peach fruit fly was declared eradicated from the State on July 28, 2006.

This amendment removed the Fresno area (approximately 106 square miles) of Fresno and Madera counties from the area under quarantine for peach fruit fly. The fly was eradicated from that area on July 28, 2006; therefore, it is no longer necessary to regulate the movement of hosts and possible carriers of the fly from this area. It was necessary to amend this regulation to remove the quarantine on the Fresno area and remove the restrictions on the movement of hosts and possible carriers that are now unnecessary. Therefore, it was necessary to amend Section 3424(b) on an emergency basis.

Because this fly is repeatedly introduced into California with several infestations requiring quarantine action, the Department proposes to retain the regulation text and insert the word “reserved” in subsection (b). By this action, the regulation may be simply amended to add a new quarantine area description when a new infestation is detected without continuing restrictions for areas from which the fly has been eradicated.

The amendment of Section 3424, subsection (b), removed the regulated area surrounding the Fresno area of Fresno and Madera counties as the area under quarantine. The effect of the amendment of this subsection is to remove the quarantine restrictions against the articles and commodities covered into, within and from this area.

### Estimated Cost or Savings to Public Agencies or Affected Private Individuals or Entities

The Department of Food and Agriculture has determined that Section 3424 does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under quarantine has a duty to enforce Section 3424. No reimbursement is required for Section 3424 under Section 17561 of the Government Code because this amendment removed the portions of Fresno and Madera counties that was in the area under quarantine; therefore, enforcement is no longer necessary. There are no mandated costs associated with the removal of this area from the regulation.

The Department also has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The Department has determined that the proposed action will not have a significant adverse economic impact on housing costs or California businesses, including the ability of California businesses to compete with businesses in other states. The Department's determination that this action will not have a significant adverse economic impact on businesses was based on the following:

The amendment of Section 3424(b) will remove any requirements or restrictions on businesses in the Fresno area of Fresno and Madera counties and that should have a positive impact on businesses in that area. The amendment of this regulation will remove the State authority for quarantine activities and any required reporting, record keeping, or compliance by businesses in the area.

### Assessment

The Department has made an assessment that the amendment to this regulation would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

### Alternatives Considered

The Department of Food and Agriculture must determine that no alternative considered would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

### Information Relied Upon

The Department is relying upon the following studies, reports, and documents in the amendment of Section 3424:

Memorandum of July 28, 2006 to John Connell from Debby Tanouye.